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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,731	02/07/2002	Joseph Carrabis	13200/60134	2985
26812	7590	08/06/2004	EXAMINER	
HAYES, SOLOWAY P.C. 175 CANAL STREET MANCHESTER, NH 03101			CHANNA VAJJALA, SRIRAMA T	
			ART UNIT	PAPER NUMBER
			2177	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/071,731	CARRABIS, JOSEPH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Srirama Channavajjala	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed on 2/7/2002 is acceptable for examination purpose.

### ***Priority***

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged based on the provisional application SI.No. 60/329,770 filed on 10/16/2001
3. Examiner notes that applicant filed international application no. PCT/US02/32980 on 10/16/2002 is now published WO 03/034284A1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4,6,8,10-12,14,16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rise, US Patent No. 6,018,682 in view of Lieberman, US Patent No.5682882.
5. As to Claims 1,8 12,18 Rise teaches a system which including 'method of obtaining information regarding an environment for an individual having preferred modalities and engaged in activity using a programmable device' [see Abstract,

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fig 3, col 1, line 10-17], environment for an individual corresponds to Rise's recurrent seizures which are the outward manifestation, 'sensing at least one psychomotor behavioral element of the activity engaged by the individual' [col 2, line 61-67, col 3, line 1-3, fig 3], Rise specifically teaches for example sensor element 20 that produces physiological signal based on specific environment for an individual that corresponds to sensing or detecting onset of seizures, 'psychomotor behavior element of the activity engaged by the individual' [col 5, line 30-47], however, Rise does not specifically teach "determining the preferred modalities of the individual'. On the other hand, Lieberman teaches a system which including 'determining the preferred modalities of the individual' [see Abstract, col 3, line 38-47].

It would have been obvious to one of the ordinary skill in the art at the time of applicants invention to incorporate the teachings of Lieberman into implant able warning system of Rise because both are directed to sensory stimulation to the individual that related to electrical, chemical and physiological activity of a person [see Rise: Abstract, col 3, line 42-45; Lieberman: Abstract, col 3, line 32-38]. One of the ordinary skill in the art at the time of applicants invention would have motivated to combine the reference because that would have allowed users of Rise's implant able warning system to control which relative combinations of individual behavioral elements of the activity satisfies his or her needs as suggested by Lieberman [col 3, line 60-64].

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6. As to Claim 2, Rise teaches a system which including 'modifying at least one modifiable environmental unit to at least partially conform to the preferred modalities' [col 5, line 12-20].

7. As to Claim 3, Rise teaches a system which including 'environment unit is modified in real-time' [col 5, line 38-47].

8. As to Claim 4, Rise teaches a system which including 'storing the sensed psychomotor behavioral element in a user history' [col 7, line 64-67, col 8, line 1-7].

9. As to Claim 6, the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Rise teaches defining a focus of the individuals attention' [col 8, line 8-17].

10. As to Claim 10, the limitations of this claim have been noted in the rejection of claim 1 above. And in addition, Rise teaches 'multi-dimensional and has a plurality of modifiable environmental units' [col 8, line 51-61].

11. As to Claim 11, the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Rise teaches 'psychomotor behavioral element' [see fig 3-4].

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12. As to Claim 14, 16 the limitations of this claim have been noted in the rejection of above claim 1 and 12. In addition, Rise teaches 'store sensed psychomotor behavioral activity of the individual' [col 6, line 4-10].

13. As to Claim 17, the limitations of this claim have been noted in the rejection of above claim. In addition, Rise teaches 'environmental unit includes at least one output device' [see fig 3-4].

14. Claims 5,7,13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rise, US Patent No. 6,018,682 and Lieberman, US Patent No.5682882 in view of Lamblin, US Patent No. 5717825.

15. As to Claim 5,13,15, Rise teaches a system which including 'sensed psychomotor behavioral element is stored' [see fig 3, co 4, line 41-52], it is noted that both Rise and Lieberman do not specifically linear algebraic transforms'. On the other hand, Lamblin teaches algebraic transforms' [see Abstract,col 4, line 65-67, col 5, line 1-14].

It would have been obvious to one of ordinary skill in the art at the time of applicants invention to combine the Lamblin's algebraic code excited linear predication speech coding with Rise and Lieberman because that would have allowed users of Rise and Lieberman to analyze various waveforms that related to psychomotor behavior of humans bring the advantages of analyzing specific

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samples improving overall system quality.

16. As to Claim 7, the limitations of this claim have been noted in the rejection of claim above. In addition, Lamblin teaches 'co-ordinate group of representational geometry' [see col 6, line 53-59].

17. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rise, US Patent No. 6,018,682 and Lieberman, US Patent No.5682882, Lamblin, US Patent No. 5717825 as applied above claim 6 further in view of Darrell et al., [hereafter Darrell], US Patent No. 6188777.

It is however, noted that Rise,Lieberman, Lamblin do not teach 'modalities calculation', although Lamblin teaches coordinate group of representational geometry as detailed in col 6, line 53-59. On the other hand, Darrell suggests 'modalities calculation' [col 10, line 48-67, col 11, line 1-15]

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of modalities calculation into the combination of Rise,Lieberman, Lamblin because that would have allowed users of Rise,Lieberman, Lamblin to use computation modules to receive data, estimate real time modality calculation as detailed in col 10, line 45-67, col 11, line 115], thus improving reliability and versatility of the system.



**Conclusion****The prior art made of record**

- |    |               |           |
|----|---------------|-----------|
| a. | US Patent No. | 6,018,682 |
| b. | US Patent No. | 5682882   |
| c. | US Patent No. | 5717825   |
| d. | US Patent No. | 6188777   |

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- |    |   |         |
|----|---|---------|
| e. | US Patent No.                               | 4916745 |
| f. | US Patent No.                               | 6520905 |
| g. | US Patent No.                               | 6622140 |
| h. | US Patent No.                               | 6091826 |
| i. | US Patent No.                               | 6341267 |
| j. | US Patent No.                               | 4699153 |
| k. | US Patent No.                               | 6067565 |
| l. | US Patent No.                               | 6346879 |
| m. | EP0855199                                   |         |
| n. | Sung-youn Kim et al. "A cognitive/affective |         |

model of strategic behavior-2-person repeated prisoner's dilemma game",

2 pages

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o. Maria Tulberg, "deadweight or turbokick?", paper for presentation at the second national open conference on group and social psychology, Lund 18-19 may 2000

p. Karthik Balakrishnan et al. "Spatial learning and localization in animals: a computational model and behavioral experiments


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is (703) 308-8538. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time. The TC2100's Customer Service number is (703) 306-5631.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (703) 305-9790. The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

703/872-9306

**(Offical Communications)**

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

SC   
Patent Examiner.  
August 3, 2004.